



ARIZONA STATE SENATE

Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.C.R. 2016

initiatives; supermajority vote requirement

Purpose

Subject to voter approval, requires 55 percent of voters at a statewide election, rather than a majority of voters, to approve an initiative or referendum.

Background

The Arizona Constitution grants the people the power to: 1) propose laws and amendments to the Constitution; 2) enact or reject laws and amendments at the polls, independent of the Legislature; and 3) approve or reject any item, section or part of any act of the Legislature at the polls. The initiative power allows 10 percent of the qualified electors to propose any measure and 15 percent of qualified electors to propose any amendment to the Arizona Constitution. Additionally, the referendum power allows five percent of qualified electors to refer any measure, item, section or part of a measure enacted by the Legislature to the ballot, except those immediately necessary for the preservation or the public peace, health or safety or for the support and maintenance of departments of the state government and institutions. Any initiative measure or referendum becomes law when approved by a majority of votes cast and upon proclamation of the Governor ([Ariz. Const. art. 4, pt. 1, § 1](#)).

In 1998, voters approved the Voter Protection Act (Proposition 105), which prohibited the Legislature from amending an initiative or referendum, diverting funds created by an initiative or referendum or adopting a measure that supersedes an initiative or referendum, unless the amendment, diversion or superseding measure: 1) furthers the purpose of the initiative or referendum; and 2) is approved by at least three-fourths of the Members of each legislative chamber. Additionally, Proposition 105 prohibited the Legislature from vetoing or repealing an initiative or referendum measure approved by the voters ([Proposition 105](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Increases, from a majority of votes cast in an election to 55 percent of votes cast in an election, the percentage of votes required for an initiative or referendum to be approved by the voters.
2. Prohibits the Legislature from repealing, amending, superseding or diverting funds created by an initiative or referendum that is approved by 55 percent of votes cast in an election, rather than a majority of votes cast in an election, unless constitutionally required conditions are met.
3. Makes technical and conforming changes.

FACT SHEET

H.C.R. 2016

Page 2

4. Requires the Secretary of State to submit the proposition to the voters at the next general election.
5. Becomes effective if approved by the voters and on proclamation of the Governor.

House Action

| | | | |
|----------------------|---------|----|---------|
| GE | 2/17/21 | DP | 7-6-0-0 |
| 3 rd Read | 3/4/21 | | 31-29-0 |

Prepared by Senate Research

March 17, 2021

MH/gs